

Ray Hires New Lawyer Nov. 1968

New Lawyer; Trial Delayed

WASHINGTON POST

MEMPHIS, Tenn., Nov. 12 (UPI) — James Earl Ray formally hired Percy Foreman today to defend him against charges of murdering the Rev. Dr. Martin Luther King Jr. and a judge, calling the last-minute delay "an awful thing," postponed his trial until March 3.

Art Hanes, sacked by Ray in favor of Foreman, told reporters the switch "was a delaying tactic pure and simple. I was prepared to go to trial but my client wanted a delay."

Ray's trial for the April 4 slaying of the civil rights leader was to have begun today, but Criminal Court Judge W. Preston Battle said he had no choice but to delay it.

"It's an awful thing to have to continue a case at this time," said the judge, "but the defendant's right to counsel of his own choice is guaranteed by the Constitution of the State of Tennessee."

Battle set the March 3 date — apparently a tentative one — when Foreman and prosecuting attorneys failed to agree among themselves on a new starting time. It gives Foreman 111 days to prepare

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RAY, From Atlanta — James Earl Ray, who was in the county jail Sunday, announcing the lawyer switch.

"Did you send that letter?" the gray-haired judge asked. Ray, on his feet, replied, "Uh, yes, sir."

Battle asked him if it was correct that he wanted to fire Hanes, whom he hired from London, and take on another attorney.

"Uh, yes sir," answered Ray. He said no more, and after the hearing was ended — it was punctuated by a recess of more than an hour — he was led back to the jail.

Memphis Assistant Attorney General Robert K. Dwyer objected vigorously to any delay at all. He said the 40-year-old escaped convict was "trifling with the court."

Battle said that "a defendant has a right to counsel of his own choice."

Neatly Dressed

He was neatly dressed in a dark suit with faint pin stripes, accentuating his prison pallor. Battle ordered him given a copy of a letter that Ray issued from his



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United Press International

Foreman leaves Criminal Court in Memphis after gaining a trial continuance until March 3. Ray's cell is on the top floor of the building behind the attorney.

Original Ray attorney Hanes and son talk with newsmen after leaving Shelby County courthouse in Memphis. Hanes has been

ordered by Judge Battle on contempt of court his case files to new

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Dwyer, Gets Delay in Trial

right to hire his lawyers. space—35 seats—in the court- This is an 11th-hour motion, room for the general public. so to speak—the 59th minute. A Washington Post reporter attempted to be seated yesterday and 59th second. As far as the "general public" spectators but was turned away. He was then searched by an officer, but after another officer noticed the "Washington Post" reference on the form, was ordered to leave.

Nevertheless, Battle indicated he could do nothing but grant the delay.

"I think the case here is unique in many ways—unique in the number of witnesses—360 potential for the state and the defense with more, and these witnesses to come from the United States, Mexico, Canada, England, Portugal, France—a good portion of North America and Europe."

Dwyer, in his protest against the delay, said he had 10 witnesses "alerted" to testify.

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Hanes had refused to turn over his records to Foreman, claiming Ray still owed him \$12,000, but Battle ordered him to hand all his files on the case to Foreman.

'A Delaying Tactic'

After the hearing was over, Hanes said, "In my judgment it was all a delaying tactic."

"I advised the prosecutors and the judge as much as a month ago that this was in the works," said Hanes.

"The disagreements boiled down to the fact that I was prepared to go to trial but my client wanted a delay. I was the lawyer in the case, not James Earl Ray." (Hanes added that Ray was hopeful of doing better when the Republican Administration takes over, Associated Press reported.)

Foreman argued that "the only way to prepare a case is to talk to the witnesses. I intend to do my best to talk to every one of the 360 that will talk to me."

He said two hours apiece for 360 witnesses worked out to 90 days.

Foreman told Battle the state probably wouldn't call in more than 80 or 90 of the 360 prospective witnesses, but "you know, your honor, from your previous experience, the ones they are not going to call are the very ones the defense should interview."

Washington Post Staff Writer Paul W. Valentine reported the following on seating and security arrangements in effect in the courtroom:

Restrictions on press coverage of the Ray case have created unusual difficulties for newsmen. Judge Battle allocated 42 of the 77 seats in the courtroom to specific news media, but excluded several dozen additional papers and television outlets, among them The Washington Post.

Battle said the exclusions had to be made to assure